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CHRISTIE, PARKER & HALE, LLP			EXAMINER	
PO BOX 7068			JONES, SCOTT E	
PASADENA, CA 91109-7068				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/681,038

Applicant(s)

BRAZIL, ANN

Examiner

Scott E. Jones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action is in response to the paper filed on June 7, 2007 in which applicant responds to the claim rejections. Claims 1-9 are currently pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Sloane et al. (US 5,813,863).

1. [Claim 1]: Regarding Claim 1, Sloane discloses educating a child using a media presentation device in communication with a user interface. See Fig.1. Sloane's invention is capable of identifying a problem behavior (e.g., drug use) exhibited by the child. See Col.8: 25-33. Sloane discloses selecting through the user interface an educational time-out presentation to present to the child that corresponds to the problem behavior and presenting the educational time-out presentation to the child through the media presentation device, wherein the child is educated about the problem behavior and alternate appropriate behavior (e.g., engage in sex, protected vs. unprotected sex, whether to have more beer/drugs, etc. See Col.8: 38-Col.9: 39.

2. [Claim 2]: Regarding Claim 2, Sloane discloses monitoring the child's behavior and intervening in the child's behavior whereby the child associates the intervention with the problem behavior: As the user accepts drinks and/or drugs, warnings are given about decreased

judgment, the body weight of the first-person character, and the total drinks/drugs consumed thus far (Col.8: 30-33).

3. [Claim 3]: Regarding Claim 3, Sloane discloses wherein selecting an educational time-out presentation further includes selecting an educational time-out presentation topic from a plurality of time-out presentation topics presented by the user interface. See Col.6: 8-12.

4. [Claim 4]: Regarding Claim 4, Sloane discloses a calming segment (e.g., 1 minute teaser video clip set to music) and an educational segment (e.g., Interactive/Contextual Adventure). See Col.5: 52-66 and Col.6: 39-55.

5. [Claim 5]: Regarding Claim 5, Sloane's invention is capable of providing wherein the educational segment includes a multimedia comparison between correct and incorrect choices, the multimedia comparison including visual, auditory, and musical depictions of choices due to its incorporation of multimedia software. See Col.4: 58-Col.5: 16 and Col.10: 16-20.

6. [Claim 6]: Regarding Claim 6, Sloane discloses a scene acknowledging the child's feelings. See Fig. 3 (700,710). Sloane discloses a scene identifying the child's incorrect choices, a scene depicting a child in the presentation making an incorrect choice, and a scene querying the child about the child's choices, the scene contrasting a correct choice from an incorrect choice. See Fig.4. Sloane discloses a scene where the child in the presentation makes a correct choice; and a scene praising the child for being a person who wants to make a correct choice. See Fig. 8 (540, 546).

7. [Claims 7-8]: Regarding Claims 7 and 8, Sloane's invention is capable of providing wherein the scene acknowledging the child's feelings includes a song segment and wherein the scene querying the child about the child's choices includes a song segment

due to its incorporation of multimedia software. See Col.4: 58-Col.5:16.

8. [Claim 9]: Regarding Claim 9, presenting the educational time-out presentation in Sloane is considered to include isolating the child from any distractions during the presentation of the educational time-out presentation (C3:59-63, C4:8-12, 29-31). The child is isolated at a workstation. Moreover, the child is additionally isolated by placing headphones over their ears when using Sloane's system.

Response to Arguments

3. Applicant's arguments filed June 7, 2007 have been fully considered but they are not persuasive.

4. Regarding claim 1, Applicant alleges Sloane does not disclose "identifying a problem behavior exhibited by the child" because the Office Action states "Sloane's invention is capable of identifying a problem behavior exhibited by the child." Moreover, Applicant argues the previous Examiner stated this feature was inherent during a telephone interview. Applicant goes on to argue that the mere probability or possibility that Sloane's system is capable of disclosing the claimed limitations is an improper anticipation rejection. Applicant's arguments are without merit. The argument misconstrues the reference and the Examiner's statements. Clearly, it is not Sloane's system, much less Applicant's claimed invention that identifies a problem behavior exhibited by the child, rather some authority figure identifies the problem behavior. Then the system is used to educate the child or person about the particular behavior problems. Thus, Sloane does anticipate this claim limitation.

5. Furthermore with regards to claim 1, Applicant alleges the actions taken by the player in Sloane's video game for the character are not actual actions taken by or actual behaviors

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exhibited by the user. The Examiner is baffled by this argument. In the first sentence of the paragraph making this argument, page 4, last paragraph, Applicant states, "Sloane teaches a system wherein the user enters an [sic] input indicative of decisions that the user makes for a character in a video game regarding accepting alcohol and/or drugs." (*Emphasis Added*) Clearly, Sloane discloses actual actions taken by the user. Moreover, Sloane discloses, "a first hand virtual experience of the cause and effect results of their own habits and behaviors which increase the risk of such diseases (C2:50-52, C3 46-48); "...virtual experience which allows the user to learn by living through typical social encounters. The user makes actual decisions..." (C6: 40-45); "the first person perspective is key to the learning by doing approach..."(C7: 1-20); "The user senses and evaluates each social situation along the decision tree through the ears and eyes of a virtual character...the user becomes the character and is given the impression of being there." (C7: 7-16). Thus, Sloane clearly anticipates this claimed feature.

6. Regarding claims 2-9, Applicant relies on the arguments provided for claim 1. Please see Item No. 4 above.

7. Additionally regarding claim 2, Applicant alleges in Sloane the "character in the video game is not the actual user playing the video game, is cajoled...and accordingly, the cited portion of Sloane does not disclose at least the limitations monitoring the child's behavior; and intervening in the child's behavior..." This is similar to the argument provided for claim 1. Please see Item No. 4 above.

8. Regarding claim 4, Applicant alleges, "the Examiner has not pointed [sic] out and Applicant can not find any disclosures in Sloane of a calming segment..." The Examiner

respectfully disagrees. The Examiner information is clearly cited in the previous rejection.

Please see Page 3, Item No. 4.

9. Regarding claim 5, Applicant relies on a similar argument as provided for claim 1, that the mere probability or possibility that Sloane's system is capable of disclosing the claimed limitations is an improper anticipation rejection. Clearly, Sloane discloses these claim limitations as addressed in the previous rejection.

10. Regarding claim 7, Applicant relies on a similar argument as provided for claim 1, that the mere probability or possibility that Sloane's system is capable of disclosing the claimed limitations is an improper anticipation rejection. Clearly, Sloane discloses these claim limitations as addressed in the previous rejection.

11. Regarding claim 8, Applicant relies on a similar argument as provided for claim 1, that the mere probability or possibility that Sloane's system is capable of disclosing the claimed limitations is an improper anticipation rejection. Clearly, Sloane discloses these claim limitations as addressed in the previous rejection.

12. Regarding claim 9, please see the citation provided above in the rejection.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (571) 272-4438. The examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Scott E. Jones/
Primary Examiner, Art Unit 3714

SEJ